

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATHRYN FORTUNATO,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	State Court Case No. CV 15 849984
)	
UNIVERSITY HOSPITALS HEALTH)	
SYSTEM, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331 and 1446, Defendant University Hospitals Physician Services (“Defendant”) (incorrectly captioned as “University Hospitals Health System, Inc.”), by its undersigned counsel, hereby files this Notice of Removal to this Court of an action pending against it in the Cuyahoga County Court of Common Pleas. Removal is based on the following grounds:

1. On or about August 20, 2015, Plaintiff Kathryn Fortunato (“Plaintiff”) commenced an action against Defendant in the Cuyahoga County Court of Common Pleas. That action bears the same title as the above caption and is docketed in the Cuyahoga County Court of Common Pleas as Case No. CV-14-822607 (hereinafter, the “State Court Action”).

TIMELY REMOVAL

2. On August 27, 2015, Plaintiff served a copy of the Summons and Complaint on Defendant. Copies of the Summons and Complaint are attached as Exhibit A.

3. This Notice of Removal is being filed within thirty days after Defendant was served with a copy of the Summons and Complaint in the State Court Action and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

JURISDICTION AND VENUE

4. The State Court Action is not a non-removable action as described in 28 U.S.C. § 1445.

5. This Court has jurisdiction under 28 U.S.C. § 1331. The Complaint purports to state causes of action arising under the Age Discrimination in Employment Act, 29 U.S.C. §§ 623, *et seq.* and the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.* The Complaint thus presents federal questions.

6. The State Court Action is, therefore, a civil action over which this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331, and is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1446.

7. To the extent that the state law claims filed by Plaintiff in the State Court Action are not subject to this Court's original jurisdiction, this Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to claims over which this Court has original jurisdiction that they form part of the same case or controversy.

8. Venue is proper in the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. §§ 1391 and 1441(a), because it encompasses the county in which this action is currently pending.

NOTICE

9. Promptly upon the filing of this Notice, Defendant will serve written notice of removal to Plaintiff through her counsel and Defendant will file a copy of this Notice of Removal with the Clerk of the Court for the Cuyahoga County Court of Common Pleas. A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B.

WHEREFORE, Defendants hereby remove the action now pending against it in the Cuyahoga County Court of Common Pleas, to this Honorable Court, and requests that this Court retain jurisdiction for all further proceedings.

Respectfully submitted,

/s/ Liana R. Hollingsworth

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 21st day of September, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties, when applicable, by operation of the Court's ECF system. Parties may access this filing through the Court's electronic filing system. If parties will not receive notice via the Court's electronic filing system, a true and correct copy of the foregoing will be served via regular United States Mail, postage prepaid, upon the following:

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